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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,192	11/18/2003	Laszlo Domjan	54729/P005US/10304870	4132

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EXAMINER

DINH, JACK

ART UNIT PAPER NUMBER

2873

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,192	Applicant(s) DOMJAN ET AL.	
	Examiner Jack Dinh	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-24, 26, 53 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-24 and 26 is/are allowed.
- 6) ☒ Claim(s) 53 is/are rejected.
- 7) ☒ Claim(s) 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACTION</u> . |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse Group I, claims 1-3, 6-24, 26, 53 and 56, in the reply filed on 06/06/05 is acknowledged. The traversal is on the ground(s) that a) Group I and Group II do not represent inventions that are independent or distinct as required by MPEP 803, and b) there is no burden on the Examiner. These are not found persuasive because the Applicant did not distinctly and specifically point out how it is not proper to divide the claims into two groups, or why the two groups are not independent or distinct. It is established that dependent inventions may be properly divided if they are, in fact, distinct inventions, even though dependent MPEP 802.01. Secondly Group II, as recited in the previous restriction, are directed to a species of head mounted display wherein multiple reflections are created by illuminating the display screen with light beams of differing polarizations. Therefore, the serious burden on the Examiner is clear since the search for Group II would require search in other areas that is not required for Group I.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2873

2. Claim 53 is rejected under 35 U.S.C. 102(b) as being unpatentable by Corbin (US 6,271,808).

Regarding claim 53, Corbin (figure 4) is interpreted as disclosing a system for generating multiple images, wherein the system comprising a display screen 350 illuminated by at least one light source 20 and 30, a lens 310 that focuses light reflected from the display screen, and a splitter 320 placed proximate to the focal point of light from the at least one light source (col. 7, lines 39-55).

Response to Arguments

3. Applicant's arguments filed 06/06/05, with respect to the claims 1-3, 6-24, 26, 53 and 56 have been fully considered.

Regarding claims 1-3, 6-24 and 26, the rejections have been withdrawn due to the Applicant's amendment and arguments.

Regarding claim 53, the Applicant argued that element 320 in figure 4 of US'808 is not a splitter. The argument is based on the ground that "a splitter" is an apparatus capable of splitting an image by one of a variety of methods known to those skilled in the art, where as a mirror, in contrast, merely redirects incident light. The Examiner found this to be unpersuasive because "a splitter" is also a form of mirror functions to redirect incident light. In addition, the language of claim 53 does not disclose any specific shape for the splitter, such as an asymmetric V-mirror as claimed in claim 56. Therefore, figure 4 of US'808 meets all the claim limitations of claim 53.

Regarding claim 56, the Applicant's arguments are persuasive. The rejection of claim 56 has been withdrawn.

Allowable Subject Matter

4. Claims 1-3, 6-24 are 26 allowed in light of the Applicant's amendment and arguments. Claim 56 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 1, 8, 14 and 20, the prior art fails to disclose that the focusing display lens is a converging focusing display lens. Regarding claim 56, the prior art fails to disclose a system for generating multiple images in combination with an asymmetric V-mirror splitter placed proximate to the focal point.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

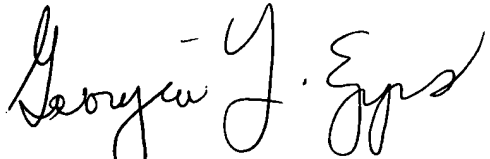
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800